IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. 30840-M of 2007
Date of decision : May 30, 2007

Jai Parvesh ....Petitioner

versus

State of Haryana ....Respondent

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Ravinder Malik, Advocate, for the petitioner
Mr. A.K.Rathee, AAG Haryana

Pritam Pal,J. (Oral)

Petitioner Jai Parvesh has brought this petition under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 108 dated 29.4.2007 under sections 306/34 IPC, registered at Police Station Sadar Jind.

Without going into any details, suffice it to say that Gulab Singh (since deceased) was earlier working as a Sub-contractor with the petitioner who was the main Contractor of the Railway department at Gohana. As per investigation made by the police till today, the petitioner had to make a payment of Rs 3,90,000/- to Gulab Singh (since deceased) who is alleged to have committed suicide on the night intervening 28/29.4.2007 by taking some poisonous substance. Before his death, he had written a note wherein he stated that as and when he demanded his aforesaid amount, he was threatened with dire consequences by the petitioner and his co-partner Dhupa. It is also there in the said note that he along with other

three persons were falsely involved in the theft case at the instance of the petitioner and his co-partner. Ultimately it is also stated that he was committing suicide because of the harassment at the hands of the petitioner and Dhupa. The investigation of this case is still at its initial stage. The contention of the learned counsel for the petitioner that there is no nexus between the occurrence and the petitioner is of no consequence since the investigation is still going on. On the asking of the Court, ASI Bharat Singh, Investigating Officer has stated that the suicide note written by Gulab Singh was handed over to Rajbir Singh son of Nafe Singh Sarpanch. Statement of Rajbir Singh has also been recorded under section 161 of the Code of Criminal Procedure. The statement of Rajbir Singh has also been read out in the open Court wherein he has also stated that after taking poisonous substance, the said note was handed over to him by the deceased. Thereafter he was removed to the Civil Hospital, Jind from where he was referred to PGI, Rohtak but Gulab Singh breathed his last on the way to PGI.

Taking into consideration the aforesaid facts and circumstances, no case for granting bail under section 438 of the Code of Criminal Procedure is made out.

Dismissed in limine.

(Pritam Pal)
Judge

May 30, 2007
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